

Docket No.

15031-355 819

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**TWO WINDOW OPTICAL SCANNER**

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Application No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

\_\_\_\_\_  
(Application Serial No.)

\_\_\_\_\_  
(Filing Date)

\_\_\_\_\_  
(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

Ira J. Schaefer Reg. No. 26,802

Maurio Premutico Reg. No. 33,994

Daniel McGlynn Reg. No. 26,570

Mark Koffsky Reg. No. 41,906

Gary Serbin Reg. No. 43,912

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Date of Deposit April 3, 2001

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above, as is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Judith L. Ahrens  
JUDITH L. AHRENS

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Full name of sole or first inventor <b>Edward Barkan</b>	
Sole or first inventor's signature <u>Edward Barkan</u>	Date <u>3-29-01</u>
Residence <b>Miller Place, New York</b>	
Citizenship <b>USA</b>	
Post Office Address <b>3 Enchanted Woods Ct., Miller Place, New York 11764</b>	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 19, 2001

PTAS



\*101679531A\*

SYMBOL TECHNOLOGIES, INC.  
GARY SERBIN  
ONE SYMBOL PLAZA  
HOLTSVILLE, NY 11742

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/03/2001

REEL/FRAME: 011695/0913  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

BARKAN, EDWARD

DOC DATE: 03/29/2001

## ASSIGNEE:

SYMBOL TECHNOLOGIES, INC.  
ONE SYMBOL PLAZA  
HOLTSVILLE, NEW YORK 11742

SERIAL NUMBER: 09824961  
PATENT NUMBER:

FILING DATE: 04/03/2001  
ISSUE DATE:

MARCUS KIRK, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Record and Return to:

Symbol Technologies, Inc.  
One Symbol Plaza  
Holtsville, NY 11742  
Att.: Legal Department

**ASSIGNMENT**

WHEREAS, **EDWARD BARKAN**, a citizen of the United States of America, residing at 3 Enchanted Woods Court, Miller Place, New York 11764, hereinafter called "ASSIGNOR", represents that he is the inventor of a new and original "TWO WINDOW OPTICAL SCANNER" for which an application for Letters Patent of the United States of America is being filed herewith; and

WHEREAS, **SYMBOL TECHNOLOGIES, INC.**, hereinafter called "ASSIGNEE", a corporation organized and existing under the laws of the State of Delaware and having an office for the transaction of business at One Symbol Plaza, Holtsville, New York 11742-1300, desires to acquire the entire right, title and interest in and to said application, and in and to said invention described and claimed in said application, and in and to any Letters Patent which may be obtained upon said application for said invention therein contained.

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that for and in them hand paid, and of other good and valuable consideration, the receipt of all of which is hereby acknowledged, the said ASSIGNOR has sold, assigned and transferred, and do hereby sell, assign and transfer unto the said ASSIGNEE, its successors and assigns, the entire right, title and interest in and to said application and any continuations or continuations-in-part thereof, and in and to any Letters Patent which may be obtained thereon or therefor in the United States of America and all foreign countries, and in and to any reissues or extensions of any Letters Patent which may be granted for said invention, and in and to any improvements, additions to, or modifications of said invention, which the said ASSIGNOR may acquire by invention or otherwise, the same to be held and enjoyed by the said ASSIGNEE for its own use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which said Letters Patent or any reissues or extensions thereof may be granted, as fully and as entirely as the same might be held by said ASSIGNOR had this sale not been made, and the said ASSIGNOR hereby represents and warrants that he has not executed and will not execute any instrument inconsistent with the rights granted herein, and he hereby binds himself and his heirs, executors, administrators and legal representatives to execute any and all papers and instruments and to do any and all acts which may be necessary or required by the said ASSIGNEE, in order to carry into full force and effect this sale, assignment and transfer, and the said ASSIGNOR further represents and warrants that he hereby binds himself and his heirs, executors, administrators and legal representatives to communicate at any time, upon request to the said ASSIGNEE, its successors and assigns any facts relating to the said invention and the history

thereof known to them or to their heirs, executors, administrators and legal representatives, and that they will testify as to the same in any interference to obtain or any other litigation to enforce the patent or patents which may be granted for said invention when requested to do so by the said ASSIGNEE, its successors or assigns.

The said ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks to issue any Letters Patent which may be granted for said invention to the said ASSIGNEE as the assignee of the entire right, title and interest therein.

IN WITNESS WHEREOF, the said ASSIGNOR has hereunto set his hand and affixed his seal as of the date and year first below written.

Edward Barkan  
EDWARD BARKAN

STATE OF NEW YORK )

) ss.:

COUNTY OF SUFFOLK )

On this 29 day of March, 2001, before me personally came EDWARD BARKAN, to me known and known to me to be the individual named in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same.

ARIELA F. DVORKIS  
NOTARY PUBLIC, State of New York  
No. 02DV6081065  
Qualified in Suffolk County  
Term Expires June 10, 2001

Ariela F. Dvorkis  
Notary Public

**CERTIFICATE OF EXPRESS MAILING**

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Date of Deposit: September 22, 2003

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Name: Melissa Scanzillo

Signature: *Melissa Scanzillo*  
Clifford Chance US LLP

Docket No. 7157-356

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Edward Barkan

Filed: herewith Group Art Unit: to be determined

Serial No: to be determined Examiner: to be determined

For: TWO WINDOW OPTICAL SCANNER

**DECLARATION**

The undersigned declares that the application attached hereto is a true copy of patent application Serial No. 09/824,961, filed April 3, 2001, as filed, and that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

9/22/03

By:

*Mitchell S. Feller*

Mitchell S. Feller  
Reg. No. 42,530

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